

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by incorporating the subject matter of Claim 5 therein, and by replacing “characterized in that” with the equivalent --wherein--; Claim 5 has been canceled.

Claim 6 has been amended by replacing “program” with --computer-readable medium--, as suggested by the Examiner.

New Claims 7-10 have been added. Claims 7-9 are supported by original Claim 5. Claim 10 is supported in the specification at page 13, lines 3-8 and Fig. 6.

No new matter is believed to have been added by the above amendment. Claims 1-4 and 6-10 are now pending in the application.

REMARKS

The rejection of Claims 1-4 and 6 under 35 U.S.C. § 102(b) as anticipated by US 2001/0009773 (Bockel-Macal et al), is respectfully traversed. All of the presently-pending claims now contain the limitations of Claim 5, not subject to this rejection. Accordingly, it is respectfully requested that the rejection be withdrawr..

The rejection of Claim 5 under 35 U.S.C. § 103(a) as unpatentable over Bockel-Macal et al, and further in view of US 4,954,650 (Abe et al), is respectfully traversed. Abe et al simply discloses that catalytic vapor-phase oxidation processes of isobutylene, tertiary butyl alcohol or methacrolein are known. But Abe et al discloses and suggests nothing with regard to controlling amounts of oxygen and component to be oxidized in order to avoid an explosive mixture. Rather, Abe et al is concerned with preventing problems such as occlusion of a catalyst bed and clogging of piping. Bockel-Macal et al, contrary to the finding by the Examiner, is **not** drawn to a catalytic gas-phase oxidation reaction. Rather, the material to be oxidized is referred to as a “fuel” throughout Bockel-Macal et al’s specification. It is clear from the various fuels disclosed, such as butane (Figs. 5A and 5B), ethylene and methane (Figs. 6A and 6B), etc. that Bockel-Macal et al employs the term “fuel” in the conventional sense of a material used to produce heat or power. There is no recognition in the applied prior art of the particular problem addressed herein.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claim 6 under 35 U.S.C. § 101 as directed to non-statutory subject matter, is respectfully traversed. Indeed, the rejection would now appear to be moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

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Reply to Office Action of November 12, 2008

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Customer Number

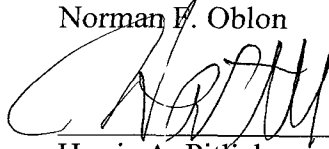
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Respectfully submitted,

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Norman F. Oblon

A handwritten signature in black ink, appearing to read 'H. Pitlick', is written over a horizontal line.

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